



Flathead County

Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



APPLICATION FOR A VARIANCE

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ _____

Before completing this application please read instructions on page 4.

1. **OWNER:**

Name: Lapp, A Wayne and Mary Alice
Address: 35 River Road Phone: 406-755-1651
City/State/Zip: Kalispell, MT 59901
Email: wmlapp @ bresnan.net

INTEREST IN PROPERTY: fee ownership

2. **APPLICANT:** (If different from above)

Name: Lapp, Mary Alice
Address: (same as above) Phone: _____
City/State/Zip: _____

3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** (If applicable)

Name: _____
Address: _____ Phone: _____
City/State/Zip: _____
Email: _____

4. **LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**

Physical Address: 41 River Road Kalispell, MT

5. **ZONING DISTRICT:** Evergreen Zoning **ZONING DESIGNATION:** R-1

6. **DATE PROPERTY ACQUIRED:** 1956

7. **LEGAL DESCRIPTION:**

Subdivision (if applicable) _____ Lot/Tract(s) 3FA in W2SW4
Assessor # 047770 Section 4 Township 28N Range 21W

8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** (State Section, Part, and Paragraph of the Zoning Regulations): 3.09.040 (Bulk & Dimensional Requirements R-1) Part 1.0 minimum lot area

9. **THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE PROVISIONS OF THE REGULATIONS** (check one below):

Area ☒ Coverage _____ Yard _____ Parking _____ Height _____ Other _____

10. **STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY** (use additional sheet if necessary):

The owner would like to be able to sell the house 3 yard (41 River Rd) in the NW corner of the subject property. It has existed as a separate residence since the late 1970's. Her husband is recently deceased and it has become unfeasible for her to continue to manage the property as a rental.

11. **EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS** (be complete, use additional sheet if necessary):

A. Strict compliance with the provisions of these regulations will limit the reasonable use of the property, and deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

This property has existed as is since 1978. There are in existence many smaller lots which have been created since the 1980's allowing new building on adjoining properties or selling of those properties. As an elderly property owner, recently widowed, the property should be able to be sold as it can no longer be managed as in the past.

B. The hardship is the result of lot size, shape, topography, or other circumstance over which the applicant has no control.

The zoning regulations were put into place after the rental house 3 yard were established on the property.

C. The hardship is peculiar to the property.

The hardship is the inability to sell the existing house 3 yard as a separate parcel from the residence in which the owner resides. This inability is due to zoning regulations that were enacted after the rental was in place

D. The hardship was not created by the applicant.

Zoning regulations were put in place by the county many years after the property was purchased. The rental property was also established at that time.

E. The hardship is not economic (where a reasonable or viable alternative exists).

The inability to sell the property or properly manage it as a rental property creates ~~undue~~ unnecessary stress for the elderly property owner.

F. Granting the variance will not adversely affect the neighboring properties or the public.

There are already many smaller lots in the vicinity of the subject property as seen on the attached GIS map.

G. The variance requested is the minimum variance, which will alleviate the hardship.

The owner is asking for a separate lot to be created around the established rental house & yard.

H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

As seen on the attached GIS map, there are many & various lots already established of smaller than 1 acre in size in the vicinity. Other property owners have the ability to sell lots of similar size (of what is being asked) at the present time in the vicinity of the subject property.

12. **ATTACH A PLOT PLAN OR DRAWING.**

APR '30 2007

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded or other appropriate action taken. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.

Mary Lapp
Owner/Applicant Signature

4-30-10
Date

INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-H completely and fully.
5. A copy of the plot plan or site plan must be submitted with each application (Please include 6 copies if you submit a size larger than 11x17).
6. A **Certified** Adjoining Property Owners List must be submitted with the application (see forms below). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
7. A fee per the FCPZ schedule of fees for a variance application must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.

APR 30 2010